

Summary Ejectment Statistical Analysis



North Carolina Sheriffs' Association

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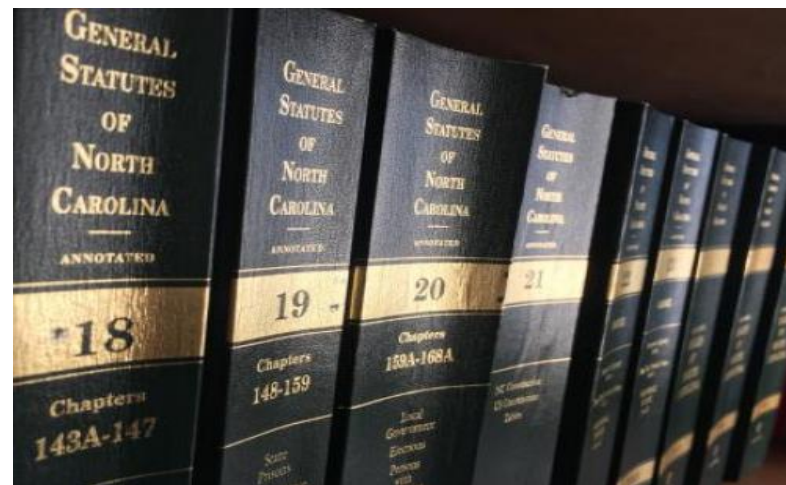
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Calculation of Time Limits for the Service of Summary Ejectment Summonses

- Our analysis began with the law.



January 2018

Nº	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	1 New Year's Day	2	3	4	5	6	7
2	8 Complaint Filed with Clerk by Landlord	9 Day 1	10 Day 2	11 Day 3	12 Day 4	13 X	14 X
3	15 M L King Day X	16 Day 5 Summons Issued by Clerk	17 Day 1 for service	18 Day 2 for service	19 Day 3 for service	20 X	21 X
4	22 Day 4 for service	23 Day 5 Summons Served by Sheriff	24 Day 6 for Court	25 Day 7 for Court	26	27	28
5	29	30	31 Court Hearing Held				

Complaint delivered by Landlord to Clerk on January 8

Court Date (in compliance with the law) on January 25

Total days elapsed = 17

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Calculation of Time Limits for the Service of Summary Ejectment Summonses

- N.C. Gen. Stat. § 42-29 sets forth several time limits within which a sheriff must act for purposes of serving summary ejectment summonses.



Calculation of Time Limits for the Service of Summary Ejectment Summonses (continued)

- The sheriff must mail a copy of the summons and complaint to the defendant by the end of the next business day.
- The sheriff may, within five days of the issuance of the summons, attempt to telephone the defendant to request that the defendant accept service of process or schedule an appointment for the defendant to receive service of process from the deputy sheriff.



Calculation of Time Limits for the Service of Summary Ejectment Summonses (continued)

- If the telephone call does not result in service, the deputy sheriff must make at least one visit to the defendant's home.
- On this visit to the defendant's home, the deputy sheriff must deliver a copy of the summons and complaint to the defendant or leave copies of the summons and complaint at the home.



Calculation of Time Limits for the Service of Summary Ejectment Summonses (continued)

- The sheriff must serve the summary ejectment summons both:
 - within five days of the issuance of the summons (regardless of when the court date is set); and
 - at least two days prior to the scheduled court date.



The Five Day Standard

- The five-day service requirement begins when the summons is signed and dated by the clerk (i.e. issued).
- This date is not necessarily the date: (1) on which the complaint is delivered by the landlord to the Clerk of Court; or (2) when the summons is file stamped by the Clerk of Court.
- Pursuant to the law, we included the fifth day in our calculations unless the fifth day fell on a Saturday, Sunday or a legal holiday.



The Two Day Standard

- N.C. Gen. Stat. § 42-29 states specifically that the visit to the home of the defendant two days prior to the court date excludes only legal holidays.
- Therefore, when calculating the two days prior to the court date, we did not include legal holidays but we did include weekends.



Summary Ejectments Issued from 2013 - 2016

County	# Met 5 Day	# Met 2 Day	# Met Both	Total Ejectments
Buncombe	6,834	6,829	6,816	6,850
Cumberland	31,057	30,493	30,445	31,131
Durham	33,287	34,549	33,215	34,691
Gaston	13,901	13,875	13,870	13,936
Guilford*	12,551	12,746	12,530	12,827
New Hanover	11,969	12,000	11,740	12,312
Union	4,084	4,303	4,053	4,359
Mecklenburg	88,730	95,934	88,607	96,757
Forsyth	34,058	35,725	34,035	35,774
Wake**	23,065	25,639	23,050	25,697
Total:	259,536	272,093	258,361	274,334

* Guilford data only includes Summary Ejectments issued between Apr. 2016- Dec. 2016

** Wake data only includes Summary Ejectments issued between Feb. 2015- Jun. 2016

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Summary Ejectments Issued from 2013 - 2016

County	% Met 5 Day	% Met 2 Day	% Met Both
Buncombe	99.8%	99.7%	99.5%
Cumberland	99.8%	98.0%	97.8%
Durham	96.0%	99.6%	95.7%
Gaston	99.7%	99.6%	99.5%
Guilford*	97.8%	99.4%	97.7%
New Hanover	97.2%	97.5%	95.4%
Union	93.7%	98.7%	93.0%
Mecklenburg	91.7%	99.1%	91.6%
Forsyth	95.2%	99.9%	95.1%
Wake**	89.8%	99.8%	89.7%
Total:	94.6%	99.2%	94.2%

* Guilford data only includes Summary Ejectments issued between Apr. 2016- Dec. 2016

** Wake data only includes Summary Ejectments issued between Feb. 2015- Jun. 2016

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Statistical Analysis Conducted By:

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Calculation of the Statistics

- Q - Where did we get our data?
- A –
 - From the sheriffs' offices covered by HB 706
i.e. the 10 largest counties
200,000 or more population
 - Each Sheriff's Office provided an export from their respective paper service tracking system.



Calculation of the Statistics (continued)

- Q - What data did we ask those 10 counties to provide?
- A -
 - Unique Process ID
 - Clerk of Court Issue Date
 - Sheriff's Office Receipt Date
 - Paper Service Date
 - Court Date



Calculation of the Statistics (continued)

- Q - What is a Unique Process ID?
- A -
 - Each paper is given a unique ID number by the sheriff's office tracking system.
 - It is the way we determined the number of processes and differentiated them.



Calculation of the Statistics (continued)

- Q – What process was used to analyze the data?
- A –
 - Data was calculated utilizing formulas in Microsoft Excel.
 - The 5-day service requirement date excluded weekends and holidays.



Calculation of the Statistics (continued)

- The two-day prior to court requirement excluded holidays only.
- Successful service of process required service on or before both the five-day and the two-day service dates.



QUESTIONS?

